

PATENT

Attorney Docket No. 01-023  
Application Serial No. 09/933,588

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ALDERUCCI et al.

) Examiner: Not Yet Assigned  
 )  
 ) Group Art Unit: Not Yet Assigned  
 )  
 ) Attorney Docket No: 01-023  
 )  
 ) Customer No.: 22927  
 )  
 )  
 )  
 For: METHOD AND APPARATUS FOR  
 )  
 PROVIDING A SUPPLEMENTARY  
 )  
 PRODUCT SALE AT A POINT-OF-  
 )  
 SALE TERMINAL



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MAR 28 2002

OFFICE OF PETITIONS

01/08/2002 TV0111 00000002 500271 09933588

01 FC:122	130.00 CH-
Adjustment date: 04/10/2002	AKELLEY
01/08/2002 TV0111	00000002 500271 09933588
01 FC:122	130.00 CR

CERTIFICATE OF TRANSMISSION BY  
FACSIMILE

I hereby certify that this correspondence is Facsimile Transmitted  
(fax no. 703.308.7749) to the Assistant Commissioner for Patents.  
Washington, D.C. 20231, on November 26, 2001.

Dated: 11/26/2001 By: V.S. Lecliever  
Veronica S. Lecliever

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION UNDER 37 C.F.R. 1.47(a)  
TO REQUEST ACCEPTANCE OF DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION**

Sir:

Applicants request acceptance of the executed Declaration and Power of Attorney  
for Patent Application, which applicants filed with the USPTO on August 24, 2001.

PATENT

Attorney Docket No. 01-023  
Application Serial No. 09/933,588

Relevant facts and proof

Applicants filed the present patent application on August 21, 2001. No Oath or Declaration was filed with the application on August 21, 2001.

On August 24, 2001, Applicants filed in connection with the present application a Transmittal Letter, with executed Assignment of Rights, Title and Interest in Invention, Recordation Form Cover Sheet, and Declaration and Power of Attorney for Patent Application.

On September 4, 2001, Applicants received the Return Receipt Postcard, (copy enclosed herewith) stamped by the USPTO, indicating that a Transmittal Letter, with executed Assignment of Rights, Title and Interest in Invention, Recordation Form Cover Sheet, and Declaration and Power of Attorney for Patent Application were received on August 27, 2001.

On September 28, 2001, Applicants received a Notice to File Missing Parts of Nonprovisional Application indicating the oath and declaration, and Figures 10A and 10B were missing.

On October 4, 2001, Applicants filed a preliminary amendment correcting the specification to refer to Fig. 10, rather than Figs. 10A and 10B, rendering the request for Fig 10A and 10B unnecessary.

Entry of a duplicate set of the previously filed Declaration and Power of Attorney for Patent Application enclosed herein is respectfully requested.

Petition Fee

Please charge \$130.00 for this petition to our Deposit Account No. 50-0271. Please charge any additional fees that may be required for this Petition, or credit any overpayment or refund to Deposit Account No. 50-0271.

**PATENT**Attorney Docket No. 01-023  
Application Serial No. 09/933,588

If an additional extension of time is required in addition to that requested in a petition for an extension of time, please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

Respectfully submitted,



Dean Alderucci

Attorney for Applicants  
Registration No. 40,484  
Walker Digital Corporation  
Five High Ridge Park  
Stamford, CT 06905-1326  
(203) 461-7337 / voice  
(203) 461-7300 / fax

November 26, 2001  
Date

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OFFICE OF PETITIONS

Express Mail Label No.

Docket No.

01-023

**COPY**

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY PRODUCT SALE AT A POINT-OF-SALE TERMINAL

the specification of which  
(check one)

is attached hereto.

was filed on August 21, 2001 as United States Application No. or PCT International Application Number Not Yet Assigned  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

**COPY**

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U.S.C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

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09/045,347

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(Application Serial No.)

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March 20, 1998

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(Filing Date)

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Pending: Allowed

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(Status)

(patented, pending, abandoned)

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08/920,116

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(Application Serial No.)

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August 26, 1997

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(Filing Date)

---

Patented

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(Status)

(patented, pending, abandoned)

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08/822,709

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(Application Serial No.)

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March 21, 1997

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(Filing Date)

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Patented

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(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**COPY**

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)



22927

PATENT TRADEMARK OFFICE

Send Correspondence to:



22927

PATENT TRADEMARK OFFICE

Direct Telephone Calls to: (name and telephone number)

Magdalena M. Fincham 203.461.7041

Full name of sole or first inventor

Dean P. Alderucci

Sole or first inventor's signature

Date  
August 24 2001

Residence

116 Pinewood Road, Stamford, CT 06903

Citizenship

USA

Post Office Address

s/a

Full name of second inventor, if any

Andrew S. Van Luchene

Second inventor's signature

Date  
August 22, 2001

Residence

298 Elizabeth, New York, NY 10012

Citizenship

USA

Post Office Address

s/a

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILED/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/933,588	08/21/2001	Dean P. Alderucci	01-023

22927  
 WALKER DIGITAL  
 FIVE HIGH RIDGE PARK  
 STAMFORD, CT 06905

File No:	01-023
Attorney:	DPA
Due Date:	11/25/01
Docketed:	09/28/01

CONFIRMATION NO. 6856

## FORMALITIES LETTER



"0C00000006787225"

Date Mailed: 09/25/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$130.

The following item(s) appear to have been omitted from the application:

- Figure(s) Fig 10A, Fig 10B described in the specification.

*Or claim may be amended filed Oct 4/01.*

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within TWO MONTHS of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b). In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the

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SEP 28 2001

WALKER DIGITAL

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original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

---

*A copy of this notice **MUST** be returned with the reply.*

*[Handwritten signature]*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Copy 001  
03C0

WALKER DIGITAL  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905  
(203) 461.7000

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**FACSIMILE TRANSMITTAL SHEET**

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TO: JANICE BURSEFROM: Veronika S. Leliever  
Senior Patent Paralegal

---

COMPANY: USPTO

DATE: November 26, 2001

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FAX NUMBER: 1 (703) 308.7749TOTAL NO. OF PAGES INCLUDING  
COVER: 11

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PHONE NUMBER: 1 (703) 308.1202

SENDER'S FAX # 1 (203) 461.7300

---

RE: WALKER DIGITAL, LLCSENDER'S PHONE EXTENSION  
(203) 461.7035

---

 URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

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**FORMAL RESPONSE**

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being  
Transmitted to the United States Patent and  
Trademark Office (Fax No. 703.308.7749) on  
November 26, 2001.

Dated: November 26, 2001, By: Veronika S. Leliever  
Veronika S. Leliever

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**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
01-023

In Re Application Of: ALDERUCCI et al.

Serial No.  
09/933,588

Filing Date  
August 21, 2001

Examiner  
Not Yet Assigned

Group Art Unit  
Not Yet Assigned

Title: **METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY PRODUCT SALE AT A POINT-OF-SALE TERMINAL**

**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is:

Copy of Notice to File Missing Parts of Nonprovisional Application, 2 pp.;  
 Petition to Request Acceptance of Declaration and Power of Attorney for Patent Application, 3 pp.;  
 Copy of Return Receipt Postcard with USPTO Stamp confirming receipt, 1 pg.; and  
 Copy of Declaration and Power of Attorney for Patent Application, 3 pp.

in the above identified application.

No additional fee is required.

A check in the amount of \_\_\_\_\_ is attached.

The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 50-0271 as described below. A duplicate copy of this sheet is enclosed.

Charge the amount of \$130.00

Credit any overpayment.

Charge any additional fee required.

01/07/2002 SSALEEKU 00000018 500271 09933588

01 FC:105

130.00 CH

*R. Lelic*  
Signature

Dated: November 26, 2001

Dean P. Alderucci  
 Attorney for Applicants  
 PTO Registration No. 40,484  
 203.461.7337/phone  
 203.461.7300/fax

Customer No. 22927

Alderucci@walkerdigital.com

CC:

I certify that this document and fee is being deposited on November 26, 2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

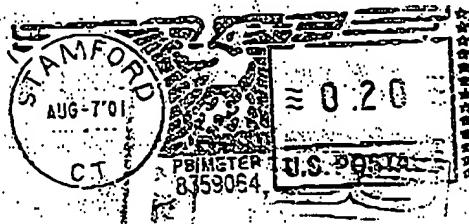
*L. Lelic*

Signature of Person Mailing Correspondence

Veronika S. Lelicver

Typed or Printed Name of Person Mailing Correspondence

COPY



SEP 4 2001

Veronika S. Leliever  
Intellectual Property Department  
Walker Digital Corporation  
Five High Ridge Park  
Stamford, CT 06905

AUG 27 2001

Date Received:

Commissioner for Patents:

Applicant: Alderucci et al.  
Appl. No.: Not Yet Assigned  
Filing Date: August 21, 2001  
Title: METHOD AND APPARATUS FOR PROVIDING A SUPPLEMENTARY PRODUCT SALE AT A POINT-OF-SALE TERMINAL  
(01-023)

Sir:

Please acknowledge receipt of the following papers by stamping the date received on this card on this card and returning the same to the addressee.

- Transmittal Letter, 1 pg., (x2);
- Recordation Form Cover Sheet, 2 pp., (x2);
- Assignment of Rights, Title and Interest in Invention, 3 pp.;
- Declaration and Power of Attorney for Patent Application, 3 pp.;

Date mailed: August 24, 2001